

SULLIVAN & CROMWELL LLP

TELEPHONE: 1-212-558-4000
FACSIMILE: 1-212-558-3588
WWW.SULLCROM.COM

125 Broad Street
New York, New York 10004-2498

LOS ANGELES • PALO ALTO • WASHINGTON, D.C.

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February 10, 2023

Via CM/ECF

The Honorable P. Kevin Castel
United States District Judge
United States District Court for the Southern District of New York
500 Pearl Street, Courtroom 11D
New York, NY 10007

Re: CFTC v. Bankman-Fried et al., No. 22-cv-10503-PKC

Dear Judge Castel:

I write on behalf of Defendants FTX Trading Ltd. d/b/a/ FTX.com and Alameda Research LLC (collectively, the “FTX Defendants”), in advance of the Initial Pretrial Conference scheduled for February 15, 2023 at 12:00 p.m., to seek an extension of time for the FTX Defendants to answer or otherwise respond to the Amended Complaint in the above-referenced action. The FTX Defendants have not previously sought any extension of time to answer or otherwise respond to the Amended Complaint. Plaintiff CFTC consents to the FTX Defendants’ request.

The current deadline for the FTX Defendants to answer or otherwise respond to the Amended Complaint is February 13, 2023. On February 7, 2023, the United States Attorney’s Office for the Southern District of New York filed an Application to Intervene and for a Full Stay of Proceedings, including a stay of discovery, in the above-referenced action, pending the conclusion of a parallel criminal case *United States v. Samuel Bankman-Fried*, 22 Cr. 673 (LAK). (Dkt. Nos. 32, 33.) The Defendants consented to the stay, and the CFTC did not object to intervention and took no position on the stay.

On February 8, 2023, the parties submitted a joint pretrial letter discussing the Government’s motion to intervene and to stay and noting that “absent the entry of an order staying this proceeding before February 13, 2023,” the FTX Defendants and the CFTC intend to seek an extension of the FTX Defendants’ time to answer or otherwise respond to the Amended Complaint. (Dkt. No. 36.)

In the event that the Court grants the Government’s application for a stay, the FTX Defendants respectfully request that the deadline for them to answer or otherwise respond to the Amended Complaint be extended until 60 days after the earlier of the lifting of that stay or the conclusion of the parallel criminal case *United States v. Bankman-Fried*,

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22 Cr. 673 (LAK). In the event the Court denies the Government's application for a stay, the FTX Defendants respectfully request that the deadline for them to answer or otherwise respond to the Amended Complaint be extended until 60 days after any such order. The FTX Defendants also respectfully request that the Court adjourn the initial pretrial conference to a date least 14 days after the answer or other response to the Amended Complaint would be due.

Respectfully submitted,

A handwritten signature in cursive script that reads "James M. McDonald".

James M. McDonald

cc: Nina Ruvinsky
Carlin Metzger
Elizabeth N. Pendleton
Robert T. Howell
Counsel for Plaintiff Commodity Futures Trading Commission

S. Gale Dick
Counsel for Defendant Samuel Bankman-Fried

Ilan T. Graff
Counsel for Defendant Gary Wang

Stephanie Avakian
Counsel for Defendant Caroline Ellison